

**From:** Mishell Kneeland  
**To:** Chester, Bonnie  
**Date:** 12/30/2009 3:49 PM  
**Subject:** Fwd: Admissions atty's fees

*Duncan*

>>> <[attorneykallinen@aol.com](mailto:attorneykallinen@aol.com)> 12/22/2009 5:00 PM >>>

Dear Ms. Kneeland,

In today's letter you incorrectly state plaintiff's RFAs are late. The certificate of service on defendant's RFAs state were served Nov. 10 by email and FAX both of which are improper service under the federal rules (email is improper service without permission in writing). Furthermore, it is not even possible to serve by fax as I have no fax number so the certificate of service is false. Service by email is only allowed if plaintiffs have agreed in writing. Please provide the writing where plaintiff agreed to the service by email as there is none. If you would have claimed in the certificate that there was timely service by US mail then you add 3 days under the federal rules which is a Sunday, Dec 13, 2009, making the next business day Dec 14, 2009, timely service under the Rules. Check Rules 6 a(3) and (d).

Plaintiff will ask for attorney's fees and show the judge this email notice regarding the Rules if any filing tries to claim the RFAs are late. Thanks.

Sincerely,  
Randall L. Kallinen  
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